

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**ANGELA M. BUSHDIECKER**  
**f/k/a Angela M. Lombardo,**  
**PLAINTIFF,**

**VS.**

**NELSON, WATSON &  
ASSOCIATES, LLC  
DEFENDANT**

**CIVIL ACTION NO.:  
4:09-cv-1266**

## JURY TRIAL DEMANDED

## UNLAWFUL DEBT COLLECTION PRACTICES

## COMPLAINT FOR DAMAGES

## INTRODUCTION

1. This is an action for damages against the Defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. and the Telephone Consumer Protection Act 42 U.S.C. §§ 227 et seq.

## SUBJECT MATTER JURISDICTION

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337 (federal question jurisdiction).

## PARTIES AND PERSONAL JURISDICTION

3. Plaintiff is a resident of this state who is authorized by law to bring this action.

4. Defendant NELSON, WATSON & ASSOCIATES, LLC  
(hereinafter referred to as “NWA”) is a Massachusetts corporation doing

business in the State of Missouri. NWA's registered agent is National Registered Agents, Inc., 300-B East High Street, Jefferson City, Missouri 65101.

5. NWA is subject to the jurisdiction and venue of this Court.

6. NWA may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the state of Missouri.

**FACTS COMMON TO ALL CAUSES**

7. NWA uses telephone communications in its business.

8. The principle purpose of NWA's business is the collection of debts.

9. NWA regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.

10. NWA is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.

11. In the course of attempting to collect a debt allegedly due from Plaintiff to another business not a party to this litigation, NWA communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.

12. NWA left a total of seven prerecorded voice messages for Plaintiff on her cell phone voice message system during the time spanning from April 28, 2009 through May 13, 2009. Plaintiff's cell phone number is (314) 503-0510.

13. In all of the voice messages, NWA failed to give meaningful disclosure of its identity.

14. In all of the voice messages, NWA failed to state that the communication was from a debt collector.

15. In all of the voice messages, NWA failed to state that the communication was an attempt to collect a debt.

16. Defendant's communications violate the Fair Debt Collection Practices Act and the Telephone Consumer Protection Act.

17. Plaintiff has complied with all conditions precedent to bring this action.

### **CAUSES OF ACTION**

#### **FAIR DEBT COLLECTION PRACTICES ACT**

18. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.

19. Defendant's violations of the FDCPA include, but are not limited to, the following:

a. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);

b. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e;

c. The use of any false representation or deceptive means to collect or attempt to collect any debt, in violation of 15 U.S.C. § 1692e(10);

d. The failure to make the required disclosures in all communications in violation of 15 U.S.C. § 1692e(11) ; and

e. After a reasonable opportunity for further investigation and discovery, it may appear that Defendant failed to effectively communicate the statement of consumer's rights mandated by 15 U.S.C. § 1692g.

20. As a result of the Defendant's actions, the Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney's fees.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. Statutory damages pursuant to 15 U.S.C. § 1692k;

B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;

C. For such other and further relief as may be just and proper.

#### **VIOLATIONS OF THE TCPA**

21. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

22. Defendant's actions violated the TCPA. The violations include, but are not limited to, the following:

(a) Defendant violated 47 U.S.C. § 227(b)(1)(B) when it left 7 prerecorded messages on Plaintiff's personal cell phone voice message system without Plaintiff's prior express consent;

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. Damages pursuant to 47 U.S.C. § 227(b)(3);

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

/s/ Angela M. Bushdiecker  
**Angela M. Bushdiecker**

Respectfully submitted,

**THE SWANEY LAW FIRM**

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